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Paper No. 18

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Patent Docket Rm. Bldg K1-4A59  
Niskayuna, NY 12309

**MAILED**

**JUL 26 2004**

**Technology Center 2100**

In re Application of: Shah et al. )  
Application No. 09/606,093 )  
Attorney Docket No. RD-27,075 ) **DECISION ON PETITION TO**  
Filed: June 27, 2000 ) **WITHDRAW HOLDING OF**  
For: METHOD AND SYSTEM FOR ) **ABANDONMENT UNDER 37 CFR**  
ENABLING TRAINING OF FIELD ) **§1.181**  
SERVICE PERSONNEL AND FIELD )  
SERVICE OF MACHINES )

This is a decision on the petition, filed June 18, 2004 requesting the Withdrawal of the Holding of Abandonment of the above-identified application. This application was held abandoned for failure to properly respond to the final rejection mailed July 14, 2003 (Paper No. 11). A Notice of Abandonment was mailed on June 1, 2004 (Paper No. 16).

In support of the petition, applicants' representative submitted a copy of the originally filed appeal brief along with a copy of a postcard receipt date stamped December 8, 2003. There is no evidence the appeal brief was filed in triplicate.

"A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon" (see MPEP § 503). Therefore, the evidence submitted is proof of timely filing.

The petition is **GRANTED**. The application was not abandoned, in fact. The Office regrets any inconvenience caused by the failure to match the papers to the application.

The application file is being forwarded to the Technology Center support staff for processing of applicants' appeal brief. Two additional copies of appellants' brief will be made prior to the application being forwarded to the examiner for consideration of the response. For future reference, petitioners are advised that 37 CFR 1.192 (a) requires the brief be filed in triplicate.

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